AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 25th DAY OF APRIL 2005, AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT: Gary D. Creed -Chair

Steve L. Spradlin -Vice Chair Mary W. Biggs -Supervisors

Doug Marrs
John A. Muffo
Annette S. Perkins
James D. Politis

B. Clayton Goodman, III -County Administrator

L. Carol Edmonds -Assistant County Administrator

Martin M. McMahon -County Attorney
T.C. Powers -Planning Director

Robert C. Parker -Public Information Officer Steve Sandy -Zoning Administrator

Vickie L. Swinney -Secretary, Board of Supervisors

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Chair called the meeting to order and the Pledge of Allegiance was recited.

PUBLIC HEARINGS

Amend Comprehensive Plan Policy Map

Childress Farms, Inc. (Agent: Simon & Associates, Inc.) requests to amend the policy map of the Montgomery County Comprehensive Plan by changing the policy map designation of a portion of Tax Parcel No. 105-A-15 on the north side of I-81 from Resource Stewardship to Rural.

The Zoning Administrator provided a brief summary on the request. Childress Farms, Inc. has requested to change the land designation on 15.15 acres of a 65 acre parcel from Resource Stewardship to Rural. This particular parcel was split into by the construction of Interstate 81, which left a larger portion of the parcel on the south bound side of I-81 and a smaller parcel on the north bound side of I-8. There has been recent development, which includes the

development of a subdivision and a church. Changing the designation to rural would be in keeping with the existing developing pattern.

At their April 13, 2005 meeting, the Planning Commission recommended approval of the above request.

There being no speakers, the public hearing was closed.

Rezoning Request

Childress Farms, Inc. (Agent: Simon & Associates, Inc.) requests to rezone a 15.15 acre portion of a 65 acre tract on the north side of I-81 from Agriculture (A-1) to Rural Residential (R-R), with possible proffered conditions, to allow a single-family subdivision containing approximately nine (9) lots. The property is located on the northwest side of Seven Mile Tree Road approximately 1 mile southeast of the Mud Pike intersection and is identified as Tax Parcel No. 105-A-15 (Acct ID # 003378) in the Riner Magisterial District. The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

The Zoning Administrator provided a summary on the above request. Childress Farms, Inc. has requested to rezone 15.15 acres of a 65 acre parcel located on the northwest side of Seven Mile Tree Road. The applicant has requested a rezoning to allow a single-family subdivision containing nine lots. Under the current A-1 zoning, the applicant would be permitted a total of six lots by-right. The 15 acre parcel could be divided into five tracts, with the 50 acres across I-81 remaining as one large parcel. Planning staff suggested that consideration be given to paving the remainder of Seven Mile Tree Road if the rezoning is approved. This road is state maintained and is only paved beginning at the intersection of Mud Pike Road to the end of Bethel Subdivision. The portion of Seven Mile Tree Road located at the proposed subdivision is still a gravel road. New residents will likely request the County and/or VDOT to pave this road in the future, as it is state maintained.

At their April 13, 2005 meeting, the Planning Commission recommended approval of the rezoning to allow a nine lot residential subdivision. The Planning Commission requested that the applicant work with the Board of Supervisors to develop a plan for paving a portion of Seven Mile Tree Road proportional to the road frontage of the proposed rezoned property.

<u>John Simon</u>, Simon & Associates, agent for the applicant, addressed the request to develop a plan for paving Seven Mile Tree Road. According to VDOT, it would cost \$80,000 to pave the remaining portion of Seven Mile Tree Road. Since Seven Mile Tree Road is considered an interstate access road, there may be federal money available to pave this road. If not, then the applicant is willing to provide \$20,000 to the County to use as matching funds for the Revenue Sharing Program.

Charles Childress, applicant, was available to answer questions from Board.

The Board questioned the amount offered for matching funds to be used in the Revenue Sharing Program. If VDOT estimated the cost of paving the road at \$80,000 and if the Board decided to use the Revenue Sharing Program the County would be responsible for \$40,000 of the total cost. The applicant is only offering to provide \$20,000 of the matching funds. The Board expressed concern that the County would have to provide the additional \$20,000.

Mr. Simon indicated that the applicant should only be responsible for a portion of the non-paved road and not the entire length of the non-paved road. They are willing to work with staff in order to have an agreement before the May 9, 2005 Board meeting.

There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the pubic address session was closed.

DELEGATION

Virginia Tech/Montgomery Regional Airport Authority

Michael St. Jean, Executive Director, provided an update on the activities, goals, and proposed future development of the Virginia Tech/Montgomery Regional Airport. Mr. St. Jean reported an increase in shuttle service at the airport. There are tow planes that fly in 2-3 times per week, with an estimated 20-30 visitors per trip. Several capital projects have been completed such as the pavement rehabilitation and security upgrades. Mr. St. Jean stated they have started working on the Master Plan for the Airport, which should take 14 months to complete. He thanked the Board of Supervisors for their past and continued support.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Consent Agenda dated April 25,2 005 was approved.

The vote on the foregoing motion was as follows:

AYE
Mary W. Biggs
None
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed

Approval of Minutes

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the minutes dated March 21, 2005 were approved.

A-FY-05-95 COMMONWEALTH'S ATTORNEY SUPPLEMENTAL APPROPRIATION

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

200 Commonwealth's Attorney

\$13,470

The sources of the funds for the foregoing appropriation are as follows:

416014 Circuit Court Fees		\$ 575
423100 Shared Expenses		\$12,895
<u>-</u>	Total	\$13,470

Said resolution appropriates additional funds received from the State Compensation Board for computer equipment with the local portion of these funds being included in the County's FY 05 Information Management Services budget; and appropriates fees collected by the Commonwealth's Attorneys office, which will be used to establish a VCIN connection with the State.

A-FY-05-96 RSVP APPROPRIATION OF DONATIONS AND FUND RAISING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

520 Human Services-RSVP

\$2,738

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

419108 Recovered Costs

\$ 2,738

Said resolution appropriates donations and fundraising monies for use by RSVP.

A-FY-05-97 TREASURER

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

160 Treasurer – Comp Board

\$1.152

The source of the funds for the foregoing is as follows:

423100 Shared Expenses

\$1.152

Said resolution appropriates additional funds received from the State Compensation Board for computer equipment with the local portion of these funds being included in the County's FY 05 Information Management Services budget.

A-FY-05-98 SHERIFF APPROPRIATION - RECOVERED COSTS AND GRANT FUNDING

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2005, for the function and in the amount as follows:

310	Sheriff – Comp Board		\$6,052
321	Sheriff Grants		\$1,017
		Total	\$7.069

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

419108 Recovered Costs		\$6,052
424401 State Grants		\$1,017
	Total	\$7.069

BE IT FURTHER RESOLVED, That a transfer is hereby authorized as follows:

FROM:

950 General Contingencies (\$113)

<u>TO:</u>

321 Sheriff Grants \$113

Said resolution appropriates recovered costs from extraditions, vehicle damages, and a LLEBG grant, and transfers the local match for the grant from General Contingencies.

A-FY-05-99 SHERIFF TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$2,100)

TO:

320 Sheriff \$2,100

Said resolution transfers appropriated funds from General Contingencies to the Sheriff's Office to cover the cost of repairing a communications tower.

A-FY-05-100 REGISTRAR TRANSFER FROM GENERAL CONTINGENCIES JUNE PRIMARIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:

950 General Contingencies (\$17,000)

TO:

170 Registrar \$17,000

Said resolution transfers appropriated funds from General Contingencies to the Registrar's Office to cover the cost of the spring primaries.

OLD BUSINESS

R-FY-05-208 NEW RIVER VALLEY HAZARD MITIGATION PLAN

On a motion by Steve L. Spradlin, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS, The New River Valley Hazard Mitigation Work Group (HMWG) representing Montgomery County as well as the remaining fourteen localities of the New River Valley Planning District was convened in order to study the region's risks from and vulnerabilities to natural hazards, and to make recommendations on mitigating the efforts of such hazards on the region; and

WHEREAS, The HMWG was provided staff support by the New River Valley Planning District Commission (NRVPDC); and

WHEREAS, The efforts of the HMWG members and the NRVPDC staff have resulted in the development of a Natural Hazards Mitigation Plan for the region.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the New River Valley Hazard Mitigation Plan dated December 2004 is hereby approved.

Adopted by the Montgomery County Board of Supervisors this 25th day of April, 2005.

The vote on the foregoing resolution was as follows:

AYE
Doug Marrs
None
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Mary W. Biggs
Gary D. Creed

R-FY-05-209

RESOLUTION DECLINING THE OFFER BY THE LARSEN TRUST TO DONATE THE 52 ACRE THOMPSON PROPERTY LOCATED IN THE RINER AREA OF MONTGOMERY COUNTY TO THE COUNTY

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

WHEREAS, The Larsen Trust has contacted the County to express their willingness to purchase some land for the purpose of donating the land to the County for use as a passive recreation site; and

WHEREAS, The Larsen Trust advised the County that there is a 52 acre parcel referred to as the Thompson property in the Riner area of Montgomery County that is up for auction and that the Trust would be willing to purchase the property if the County was willing to accept the property for use as a passive County park facility; and

WHEREAS, The County has looked at the property and has determined that because of the lack of public road frontage and adequate road access, the property would not serve as a good site for a public park; and

WHEREAS, The County is interested in considering future properties that may be offered by the Larsen Trust.

NOW, THEREFORE, BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby directs the County Administrator to notify the Larsen Trust that due to the lack of public road frontage and adequate road access the County is not interested in acquiring the 52 acre Thompson property by donation from the Larsen Trust.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby extends its appreciation to the Larsen Trust for their willingness to donate land to the County for a passive park use and that the Board of Supervisors is interested in possibly acquiring any future properties by donation from the Trust for park use should the properties meet the needs of the County.

The vote on the foregoing resolution was as follows:

AYE
Steve L. Spradlin
Annette S. Perkins
John A. Muffo
Mary W. Biggs
Doug Marrs
James D. Politis
Gary D. Creed

R-FY-05-210 RESOLUTION OF RECOGNITION FOSTER CARE MONTH - MAY 2005

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The family is our most important resource for providing Virginia's children with love, dignity and self-determination; and

WHEREAS, Every child in our great Commonwealth requires parental love and guidance and the security a family can provide; and

WHEREAS, There are over 8,000 children and youth in foster care in our great Commonwealth; and

WHEREAS, Foster care in Virginia provides temporary, safe and supportive families in our younger and most vulnerable citizens when their own families are in turmoil; and

WHEREAS, Foster parents provide Virginia's children with opportunities to be part of a caring family to help them reconnect with their families or prepare for adoption; and

WHEREAS, Through the partnership among foster parents, child welfare staff, and public and private organizations, Virginia's foster care program nurtures and protects children while they are in care, and enhances their development as unique individuals as they mature and grow toward healthy adulthood.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby recognizes **May 2005** as **FOSTER CARE MONTH** in Montgomery County, and urges all citizens to offer their talents and energies on behalf of children in foster care during this month and throughout the year.

The vote on the foregoing resolution was as follows:

AYE
Annette S. Perkins
John A. Muffo
Mary W. Biggs
Doug Marrs
James D. Politis
Steve L. Spradlin
Gary D. Creed

R-FY-05-211 RESOLUTION OF APPRECIATION PARKS AND RECREATION COMMISSION DAVID L. PRICE

On a motion by Steve L. Spradlin, seconded by John A. Muffo and carried unanimously,

WHEREAS, David L. Price has faithfully served as a member of the Montgomery County Parks and Recreation Commission since February 1999; and

WHEREAS, The County recognizes the dedicated service that *David L. Price* has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **David L. Price**.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **David L. Price** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE
John A. Muffo
Mary W. Biggs
Doug Marrs
Annette S. Perkins
James D. Politis
Steve L. Spradlin
Gary D. Creed

R-FY-05-212 RESOLUTION OF APPRECIATION PARKS AND RECREATION COMMISSION STEVE HUPPERT

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Steve Huppert has faithfully served as a member of the Montgomery County Parks and Recreation Commission since February 1999; and

WHEREAS, The County recognizes the dedicated service that *Steve Huppert* rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Steve Huppert**.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Steve Huppert** and that a copy be made a part of the official Minutes of Montgomery County.

The vote on the foregoing resolution was as follows:

AYE
Mary W. Biggs
None
Doug Marrs
Annette S. Perkins
James D. Politis
Steve L. Spradlin
John A. Muffo
Gary D. Creed

INTO WORK SESSION

On a motion by James D. Politis, seconded by Steve L. Spradlin and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into a Work Session for the purpose of discussing the following:

1. Revenue Sharing Program

The vote on the foregoing motion was as follows:

AYE
Doug Marrs
None
James D. Politis
Annette S. Perkins
John A. Muffo
Steve L. Spradlin
Mary W. Biggs
Gary D. Creed

Revenue Sharing Program

The County Administrator reported that VDOT's Revenue Sharing Program has been modified and funding has been increased for the upcoming fiscal year. The program previously was open to just counties but changed to include cities and towns maintaining their road system. Funding for each locality can be up to \$1 million and the program's total budget will be \$100 million.

Due to these changes, VDOT has reopened the application process until July 22, 2005 to all counties, cities and towns. For localities that already submitted applications they can revise their applications to include additional funding or can leave their application as is. Prior to these changes, Montgomery County submitted an application for participation and committed to provide \$251,500 to be matched on a dollar – for- dollar basis.

The County Administrator asked the Board for direction on how they would like to proceed with the Revenue Sharing Program for FY 2005-2006. The County Administrator recommended that a resolution with any changes or additions would need to be on the July 11, 2005 agenda in order to meet the July 22, 2005 deadline.

OUT OF WORK SESSION

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to Regular Session.

The vote on the foregoing motion was as follows:

AYE
James D. Politis
Annette S. Perkins
John A. Muffo
Steve L. Spradlin
Mary W. Biggs
Doug Marrs
Gary D. Creed

BOARD MEMBERS' REPORTS

<u>Supervisor Perkins</u> announced the Industry Appreciation Day annual golf outing and dinner is scheduled for May 19, 2005 at the Blacksburg Country Club.

<u>Economic Development Commission</u> Supervisor Perkins reported the EDC, at their last meeting, toured VT Knowledge Works. She encouraged everyone to visit VT Knowledge Works. Supervisor Perkins also reported that there are only four vacant parcels remaining at the Corporate Research Center, which have already been committed for development.

<u>Supervisor Muffo</u> Ellett Valley Loop Trail – Supervisor Muffo requested, on behalf of himself and Supervisor Creed, the County Administrator develop a resolution which requests the Metropolitan Planning Organization (MPO) and the Virginia Department of Transportation (VDOT) take action in a timely manner on the request for right-of-way access to the Smart Road. The right-of-way access is for the purpose of allowing development of the Ellett Valley Loop Trail, a joint project of the Board of Supervisors and the Blacksburg Town Council. Supervisor

Muffo requested that this resolution be added to the May 9, 2005 agenda and once approved forward to the appropriate VDOT supervisor in Richmond. Copies should be forwarded to the Resident Engineer in Montgomery County and the Blacksburg Town Council.

<u>Supervisor Spradlin</u> Auction of Property with Delinquent Real Estate Tax Supervisor Spradlin asked for an update on the property sold at the last auction. The County Attorney reported that there were three parcels sold due to delinquent real estate taxes. The three parcels sold for a total of \$187,900.00. The County Attorney indicated that another auction is scheduled for August 2005. Another fifty (50) parcels have been identified as having delinquent real estate taxes. All known landowners or heirs have been notified. To date, 35 owners have paid their delinquent taxes. The remaining 15 parcels will be slated for auction in August.

<u>Kentland Heritage Days</u> – Supervisor Spradlin announced the Kentland Heritage Days is scheduled for April 30, 2005 from 11:00 a.m. – 3:00 p.m. There will be different types of demonstrations and tours of historical sites. At 4:00 p.m there will be a dedication of the Kentland Slave Cementary.

<u>Supervisor Biggs</u> - <u>Planning Commission</u> Supervisor Biggs attended the April 20, 2005 Planning Commission meeting. The Planning Commission discussed the new VDOT requirement that local subdivision ordinances must meet their criteria regarding private streets in order to be eligible for rural addition funding. Supervisor Biggs expressed concern with this requirement and how it would affect Montgomery County. The County Administrator reported that the Planning Commission is reviewing this issue on how it will impact family subdivisions and townhouse development.

<u>Supervisor Creed</u> <u>New Elliston Volunteer Fire Station</u> Supervisor Creed received a call inquiring about the construction of the new Elliston Volunteer Fire Station. They expressed concern with fill dirt being hauled into the area of the flood plain. The County Administrator stated he would contact the Zoning Administrator to investigate this situation.

<u>Gingerbread Road – Water Service</u> Supervisor Creed received a letter from a citizen who resides on Gingerbread Road near Christiansburg Mountain regarding obtaining water service. In 1994 a letter from the PSA Director informed the residences they would be receiving water from the Town of Christiansburg. To date, they still have not received any service. Supervisor Creed directed staff to investigate this issue with the PSA and Town of Christiansburg.

INTO CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.3-3711

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiation Strategy of the Public Body
 - 1. Expansion of Government Center
 - 2. Blacksburg High School Stadium

The vote on the foregoing motion was as follows:

AYE
Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed

OUT OF CLOSED MEETING

On a motion by James D. Politis, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE
Mary W. Biggs
None
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Doug Marrs
Steve L. Spradlin
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

ADJOURNMENT

On a motion by James D. Politis, seconded by Annette S. Perkins and carried unanimously, the Board adjourned to Monday, May 9, 2005 at 7:15 p.m.

The vote on the foreg	going motion was as follows	: :	
AYE Mary W. Biggs Doug Marrs Steve L. Spradlin Annette S. Perkins James D. Politis John A. Muffo Gary D. Creed	NAY None		
The meeting adjourned	ed at 9:45 p.m.		
APPROVED: Gary I Chair	D. Creed	ATTEST:	B. Clayton Goodman, III County Administrator